HIGH COURT OF CHHATTISGARH AT BILASPUR

Second Appeal No. 119/2007

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Appellant Plaintiff	E. Ramprasad Rao, aged about 28 yrs. s/o late E. Malleshwar Rao R/O R.S.D. Colony, Raipur P.O./Distt. Raipur CG
	Versus
Respondents Defendants	1. Smt E. Gauri, aged about 45 yrs, wd./o E. Malleshwar Rao 2. E. Naresh, aged about 20 years s/o late E. Malleshwar Rao 3. E. Jagdish, aged about 18 yrs s/o late E. Malleshwar Rao No. 1,2, and 3 r/o R.S.D. Colony Raipur, P.O./Distt. Raipur CG 4. Divisional Railway Manager South-East-Central Railway Raipur, Distt. Raipur (CG)

Present:-
Shri B.L. Dembra, counsel for the appellant.

ORAL JUDGMENT
(Passed on 12th April, 2007)

Heard on admission.

2. The appellant is aggrieved by the judgment dated 29.12.2006 passed in civil appeal No. 7A/2006 by 10th Addl. District Judge (FTC) Raipur whereby the judgment and decree dated 31.7.2006 passed in civil suit No. 14-A/2002 passed by the 1st Addl. Civil Judge, Class-I, Raipur was affirmed.

3. Having heard the learned counsel for the appellant, I have perused the impugned judgment as also the copy of the judgment and decree dated 31.7.2006 passed by the 1st Civil Judge, Class-I and am of the considered opinion that both the Courts below have on a proper appreciation of the evidence, both oral and documentary, recorded a finding that the appellant/plaintiff had failed to prove that he was the son of E. Malleshwar Rao from his first wife. It is also pertinent to note that the best witness i.e.

first wife of E. Malleshwar Rao was not examined by the appellant/plaintiff before the lower Court.

4. In this view of the matter, I am of the considered opinion that no substantial question of law arises for determination in this appeal which is accordingly dismissed at the stage of admission. There shall be no order as to costs.

3. In view of the above, I.A. No. 1/2007 for stay is dismissed and I.A. No. 2/2007 for urgent hearing stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya